

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TYNAN HOFFMAN,

Plaintiff,

- against -

CITY UNIVERSITY OF NEW YORK,

Defendant.  
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: **Civil Case No.: 20-cv-1729 (PGG)**  
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: **PLAINTIFF'S MOTION TO SEAL**  
: **EXHIBITS CONTAINING**  
: **MEDICAL INFORMATION**  
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Plaintiff Tynan Hoffman submits this motion requesting an Order to seal confidential medical information from public view.

### STATEMENT OF FACTS

Plaintiff filed a lawsuit alleging Defendant violated Section 504 of the Rehabilitation Act. Plaintiff alleged that Defendant violated his rights based on his disability – depression. On December 16, 2021, Defendant briefed its motion for summary judgment. The documents have not been filed yet pursuant to the Court’s bundling rule. Plaintiff’s opposition is due on January 18, 2022.

In both Defendant’s motion and Plaintiff’s opposition, exhibits may be used that contain sensitive and private medical information. Defendant’s Exhibit 18, Defendant’s Exhibit 19 and a proposed exhibit to Plaintiff’s opposition is the Health Care Provider Accommodation Assessment Form. *See*, attached redacted Exhibit A. This document was completed by Plaintiff’s doctors and contains sensitive and personal information regarding Plaintiff’s diagnosis,

treatment, and prognosis. Plaintiff also seeks to redact portions of his deposition transcript where he testified about sensitive and personal medical information, concerning the identity of his physicians and medication. *See*, attached redacted Exhibit B.

### ARGUMENT

Courts have discretion to order that certain filings be made under seal. Federal law generally treats medical records as confidential. *Hand v. New York City Transit Authority*, 2012 WL 3704826 at \*5 (E.D.N.Y. Aug. 26, 2012). In this Circuit, courts regularly allow medical records to be filed under seal, “finding that parties have a strong privacy interest in their medical information.” *McGuirk v. Swiss Re Fin. Servs. Corp.*, 2015 WL 13661685 at \*1 (S.D.N.Y. Mar. 30, 2015) (“Medical information is among the types of information often made subject to a sealing order.”); *see also*, *Dilworth v. Goldberg*, 2014 WL 3798631 at \*2 (S.D.N.Y. Aug. 1, 2014) (exhibits containing plaintiff’s private medical records were properly redacted); *Hand* at \*6 (E.D.N.Y. Aug. 26, 2012) (granting plaintiff’s motion to seal an “Employee Medical History and Certification Form that plaintiff’s physician filled out...supporting plaintiff’s application for medical reinstatement.”).

### CONCLUSION

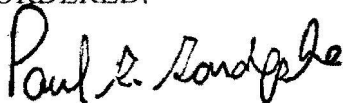
For the foregoing reasons, Plaintiff respectfully requests that the Court grant his motion to file confidential medical information under seal.

Dated: New York, New York  
December 23, 2021

#### **MEMO ENDORSED:**

**The application is granted.** The Clerk of Court is directed to terminate the motion (Dkt. No. 51).

SO ORDERED.



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Paul G. Gardephe  
United States District Judge  
Dated: December 29, 2021

/s/ Brittany Weiner  
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